

# The Gazette of India



## EXTRAORDINARY

### PART I—Section 1

### PUBLISHED BY AUTHORITY

No. 127] NEW DELHI, SATURDAY, JULY 10, 1954

#### SUPREME COURT OF INDIA

#### NOTIFICATIONS

New Delhi, the 10th July 1954

**No. F.23(1)/54-SCJ.**—In exercise of the powers conferred on him by Article 130 of the Constitution, the Chief Justice of India, with the approval of the President, hereby appoints Srinagar as the place at which a Division Bench of the Supreme Court may sit for the disposal of appeals and other proceedings transferred to it from the Board of Judicial Advisers, Jammu and Kashmir, under clause (4) of Article 374 of the Constitution.

**No. F.23(2)/54-SCJ.**—The following is published for general information:—

The Supreme Court of India, in the exercise of its rule-making powers, and with the approval of the President, hereby makes the following amendments to the Supreme Court Rules, 1950:—

Add the following at the end of Order XLVII, Part XI:—

#### “ORDER XLVIII

#### *Appeals and other proceedings transferred under clause (4) of Article 374 of the Constitution*

1. Notwithstanding anything contained in the preceding Orders, the rules contained in this Order shall apply to all appeals and other proceedings which stand transferred to the Supreme Court from the Advisory Board, Jammu and Kashmir under clause (4) of Article 374 and which are heard at Srinagar.

2. (1) The Chief Justice may from time to time nominate two or more Judges to constitute a Division Bench to perform the duties assigned by these rules to a Division Bench and nominate one of the Judges of the Court sitting at Srinagar to perform the duties assigned to a single Judge or a Chamber Judge under these Rules.

(2) The sittings of the Division Bench and of the single Judge and a Chamber Judge shall be held at Srinagar as the Chief Justice may, from time to time, direct.

3. A single Judge sitting in Court shall have power to dispose of all pending applications; and a Judge in Chambers may deal with all interlocutory applications:

Provided that any such single Judge or a Judge in Chambers may in his discretion refer any particular matter to the Division Court.

4. Notwithstanding any orders previously made in the course of the proceedings before the Advisory Board, Jammu and Kashmir, every appeal pending before the Court sitting at Srinagar shall be heard by a Division Bench consisting of not less than two Judges.

5. The Court sitting at Srinagar shall have power to direct the hearing of any particular appeal or proceeding before it by the Court sitting at Delhi; and in the event of such a direction being given, the rules contained in the preceding Orders shall be applicable to such proceedings in their further stages, to the exclusion of the provisions in this Order.

6. Notwithstanding anything contained in these Rules, including those in this Order, the Court sitting at Srinagar shall have the power to give such directions and make such orders in procedural matters or otherwise as may be necessary for the ends of Justice or to prevent abuse of the process of the Court, in respect of the appeals and proceedings dealt with by it at Srinagar.

7. The Court sitting at Srinagar may permit the use of Urdu language to such extent as it thinks fit in respect of the proceedings or appeals pending before it:

Provided that the Judgments delivered, Decrees passed or Orders made by it shall be in the English language.

8. The duties assigned to, and the powers exercisable by the Registrar under the Rules of the Supreme Court shall respectively be discharged and exercised in respect of all proceedings before the Court sitting at Srinagar by the Deputy Registrar at Srinagar.

9. The Deputy Registrar shall be the Taxing Officer of the Court sitting at Srinagar; and in the Taxation of costs he shall generally be guided by the practice followed by the Advisory Board of Jammu and Kashmir at Srinagar unless the Court in disposing of a matter has ordered the payment of a lump sum for costs.

10. Appeals and applications pending before the Court sitting at Srinagar may be proceeded with at Srinagar either by the party in person or, subject to the next succeeding rule, by a legal practitioner.

The engagement of an Advocate on record is dispensed with, a Senior Advocate may appear and plead without a Junior in respect of all such matters heard at Srinagar.

11. The following classes of legal practitioners will be entitled to act or appear and plead before the Court sitting at Srinagar:—

- (a) Advocates who have been duly enrolled as Senior or other Advocates of the Supreme Court;
- (b) In Criminal matters, legal practitioners who filed in the Registry of the Advisory Board, Srinagar, their Vakalatnama before the 14th May 1954;
- (c) Legal practitioners of the High Court at Srinagar of not less than 10 years' standing who are specially permitted to do so by the Court sitting at Srinagar on payment of Rs. 50.

12. It will not be obligatory for the parties to lodge in the said pending appeals a Statement of the Case as provided in rule 2 of Order XVIII, Part II of these Rules.

13. In those civil or criminal cases in which the record has not so far been printed, printing will be dispensed with."

By Order of the Court,  
S. D. GOSWAMI, Registrar,  
Supreme Court of India.